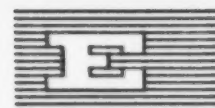


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COMMITTEE ON CRIME PREVENTION AND CONTROL
Eleventh session
Vienna, 5-16 February 1990
Agenda item 5

CONTINUATION OF PREPARATIONS FOR THE EIGHTH UNITED NATIONS
CONGRESS ON THE PREVENTION OF CRIME
AND THE TREATMENT OF OFFENDERS

Draft resolution submitted by Albert L.O. Metzger (Sierra Leone),
Vice-Chairman of the Committee, on the basis of informal
consultations held on recommendations on item 3 (topic 1)
of the provisional agenda for the Eighth Congress:
Crime prevention and criminal justice in the
context of development: realities and
perspectives of international co-operation
contained in document E/AC.57/1990/5/Add.1

The Committee on Crime Prevention and Control recommends to the Economic and Social Council that the following draft resolution be transmitted to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders:

"International co-operation for crime prevention and criminal justice
in the context of development

"The Eighth United Nations Congress on the Prevention of Crime and the
Treatment of Offenders,

"Reaffirming the purposes and principles of the United Nations and the
commitment of all States to respect the obligations assumed by them, in accordance
with the Charter,

"Convinced that crime prevention and criminal justice in the context of
development should be oriented towards the observance of the principles contained
in the Caracas Declaration, 1/ the Milan Plan of Action, 2/ the Guiding Principles
for Crime Prevention and Criminal Justice in the Context of Development and a New

"1/ General Assembly resolution 35/171, annex.

"2/ See Seventh United Nations Congress on the Prevention of Crime and the
Treatment of Offenders, Milan, 26 August - 6 September 1985: Report prepared by
the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. A.

International Economic Order 3/ and other relevant resolutions and recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Recalling General Assembly resolution 43/99 of 8 December 1988, in which the Assembly stressed the necessity for Member States to continue to make concerted and systematic efforts to strengthen international co-operation in crime prevention and criminal justice as identified in the Milan Plan of Action and to facilitate the adoption by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders of viable and constructive action-oriented strategies against crime,

"Recalling also Economic and Social Council resolution 1989/68 of 24 May 1989, in which the Council reaffirmed its conviction of the importance of the programme of the United Nations in the field of crime prevention and criminal justice and the necessity of strengthening it in order to make it fully responsive to the needs and expectations of Member States,

"Adopts the recommendations annexed to the present resolution and submits them to the Assembly at its forty-fifth session for consideration."

^{3/} Ibid., sect. B.

Annex

RECOMMENDATIONS ON INTERNATIONAL CO-OPERATION FOR CRIME PREVENTION AND
CRIMINAL JUSTICE IN THE CONTEXT OF DEVELOPMENT

A. Crime prevention and criminal justice in the
context of development

1. Governments should reaffirm their commitment to respect the existing international treaties, and their adherence to the United Nations principles as expressed in the Charter and in other relevant international instruments. Crime can also be prevented by ensuring that those principles are not sacrificed.
2. Member States should intensify the struggle against international crime by respecting and promoting the rule of law and legality in international relations and, for that purpose, they should complete and further develop international criminal law, fully implement the obligations following from international treaties and instruments in this field (pacta sunt servanda), and examine their national legislation in order to ensure that it meets the needs of international criminal law.
3. Governments should accord priority attention to the promulgation and implementation of appropriate laws and regulations to control and combat transnational crime and illegal international transactions, especially by the provision of proper collaborative schemes and trained personnel. Also, national laws should be reviewed in order to ensure a more effective and adequate response to the new forms of criminal activity, not only through the application of criminal penalties, but also through civil or administrative measures.
4. The national, regional and international aspects of growing pollution and the exploitation and destruction of the environment should be recognized and controlled as a matter of urgency, in view of its increasing and alarming devastation, deriving from various sources. Besides measures of administrative law and liability under civil law, the role of criminal law as an instrument that can help to achieve such control should constantly be reviewed. The desirability of elaborating guiding principles for the prevention of ecological crime, including the role of criminal law, should be considered.
5. In view of the fact that advanced technology and specialized technical knowledge are employed in criminal activities pursued in international trade and commerce, including computer fraud, by the misuse of banking facilities and the manipulation of tax laws and customs regulations, law enforcement and criminal justice officials should be properly trained and provided with adequate legal and technical means to be able to detect and investigate such offences. The co-ordination and co-operation of other relevant agencies at the national level should be ensured and their capacities further improved. The development and strengthening of direct arrangements of international co-operation between the various agencies of national criminal justice systems should also be pursued.
6. Since even legitimate enterprises, organizations and associations may sometimes be involved in transnational criminal activities affecting national economies, Governments should adopt measures for the control of such activities. They should also collect information from various sources so as

to have a solid base for the detection and punishment of enterprises, organizations and associations, their officials, or both, if they are involved in such criminal activities, with a view also to preventing similar conduct in the future.

7. Note should be taken of the fact that many countries lack adequate laws to deal with the emerging manifestations of transnational crime, and that the adoption and implementation of appropriate instruments and measures to prevent this type of criminality are urgently needed. In this regard, the exchange of information on existing laws and regulations should be encouraged in order to facilitate the dissemination and adoption of appropriate measures.

8. Because the corrupt activities of public officials can destroy the potential effectiveness of all types of governmental programmes, hinder development, and victimize individuals and groups, it is of crucial importance that all nations should: (a) review the adequacy of their criminal laws, including procedural legislation, in order to respond to all forms of corruption and related actions designed to assist or to facilitate corrupt activities, and should have recourse to sanctions that will ensure an adequate deterrence; (b) devise administrative and regulatory mechanisms for the prevention of corrupt practices or the abuse of power; (c) adopt procedures for the detection, investigation and conviction of corrupt officials; (d) create legal provisions for the forfeiture of funds and property from corrupt practices; and (e) adopt economic sanctions against enterprises involved in corruption. The Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs should co-ordinate the elaboration of materials to assist countries in these efforts, including the development of a manual to combat corruption, and should provide specialized training to judges and prosecutors that would qualify them to deal with the technical aspects of corruption, as well as with the experiences derived from special tribunals handling such matters.

9. Noting the alarming threat posed by illicit trafficking in narcotic drugs and psychotropic substances, which is among the worst crimes that humanity is facing, and the action carried out by United Nations drug control units and bodies in this field, and concerned that, despite all the efforts undertaken at the national, regional and international levels, this phenomenon persists unabated, it is important that efforts to combat this type of criminality should be given a central place in all crime prevention and criminal justice plans and programmes. The work of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs in this area should be strengthened. Special assistance should be extended to developing countries for the implementation of drug abuse control programmes and the elaboration of collaborative prevention and control strategies.

10. The process of developing comprehensive model codes, especially at the regional and subregional levels, to combat crimes of transnational and international dimensions, should be encouraged. Also, efforts should be made to harmonize national criminal laws, so as to make them fully responsive to the realities and ramifications of such crimes. Practical arrangements, such as extradition, mutual assistance in criminal justice and the sharing and exchange of expertise and information, should be pursued. Adequate attention should be given to effective enforcement mechanisms in order to minimize the consequences of transborder crimes, including their effect on countries not directly involved.

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11. Appropriate educational policies should be developed for making the populations of Member States more sensitive to the problem through formal educational systems and general public information programmes, with a view to promoting awareness of the ways and means by which criminal victimization can be avoided, as well as acquainting the public at large with the objectives and processes of the criminal justice system.

12. Recognizing the need for specific preventive measures related to such types of criminality as burglary, violent theft and street crime, an inventory of preventive measures should be prepared by the United Nations on the basis of an in-depth assessment and evaluation of their effectiveness in various cultural, social, economic and political contexts.

13. With respect to the victims of crime and abuse of power, a guide containing an inventory of comprehensive measures for education on the prevention of victimization, and on the protection of, and assistance and compensation to, victims should be prepared. This guide should be applied in accordance with the legal, socio-cultural and economic circumstances of each nation, taking into account the important role of non-governmental organizations in this sphere.

14. In view of its crucial function in crime prevention, the criminal justice system should be developed on the basis of the progressive rationalization and humanization of criminal laws and procedures, sentencing policies and dispositional alternatives, within the overall framework of social justice and societal aspirations.

15. A systematic approach to crime prevention planning should be pursued to provide for the incorporation of crime prevention policies into national development planning, starting from an overall reassessment of substantive criminal and procedural laws whenever appropriate. This approach would include the introduction of the processes of decriminalization, depenalization and diversion, as well as reforms of procedures that would ensure the support of members of the public and review of existing policies with a view to assessing their impact. It would also include appropriate links to be established between the criminal justice system and other development sectors, including education, employment, health, social policy and other related fields.

16. The trial process should be consonant with the cultural realities and social values of society, in order to make it understood and to permit it to operate effectively within the community it serves. Observance of human rights, equality, fairness and consistency should be ensured at all stages of the process.

B. International, scientific and technical co-operation

17. In order to increase the effectiveness of international co-operation in crime prevention and criminal justice, concerted efforts should be made towards: (a) the ratification and implementation of existing international

instruments;* (b) the development of bilateral and multilateral instruments; and (c) the preparation and elaboration of model instruments and standards for use at the national, bilateral, multilateral, subregional, regional and interregional levels. The Committee on Crime Prevention and Control should study the formulation of a comprehensive international convention on co-operation in criminal matters, consolidating, *inter alia*, the existing and emerging treaties in this field, including extradition, mutual assistance, the transfer of foreign prisoners, the transfer of supervision of conditionally sentenced or released foreign offenders, and the enforcement of criminal judgements and court orders on the forfeiture of illicit assets.

18. The formulation of international instruments, standards and norms should include the following specific areas of concern: (a) judicial assistance treaties, in particular between common law and civil law countries, dealing with the means for obtaining evidence conforming to the requirements of the

* As noted in the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order (see Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August - 6 September 1985: Report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. B, para. 36, footnote 6), the need for international co-operation in crime prevention and criminal justice is recognized, *inter alia*, in the following instruments: Convention on the Prevention and Punishment of the Crime of Genocide (General Assembly resolution 260 A (III)); Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (General Assembly resolution 317 (IV)); International Convention on the Suppression of Punishment of the Crime of Apartheid (General Assembly resolution 3068 (XXVIII)); Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (General Assembly resolution 3166 (XXVIII, annex)); International Convention against the Taking of Hostages (General Assembly resolution 34/146); Declaration on the Protection of All Persons from being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 3452 (XXX)); Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169); Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft, of 14 September 1963 (United Nations, Treaty Series, vol. 704, No. 10106, p. 219); The Hague Convention for the Suppression of Unlawful Seizure of Aircraft, of 16 December 1970 (United Nations, Treaty Series, vol. 860, No. 12325, p. 105); Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, of 23 September 1971 [with the Final Act of the International Conference on Air Law held under the auspices of the International Civil Aviation Organization at Montreal in September 1971] (United Nations, Treaty Series, vol. 974, No. 14118, p. 177); Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs of 1961 (United Nations, Treaty Series, vol. 976, No. 14151, p. 1); Convention on Psychotropic Substances of 1971 (United Nations, Treaty Series, vol. 1019, No. 14956, p. 175); and United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted at Vienna on 19 December 1988 (E/CONF.82/15 and Corr.2).

requesting State; (b) development of standardized requests for extradition and mutual assistance; (c) development of the means of providing assistance to victims of crime and abuse of power, with emphasis on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, a/ and of providing adequate protection for witnesses; (d) further consideration of issues of transnational jurisdiction in order to assist in the process of responding to requests for extradition and mutual assistance and in the implementation of international instruments; and (e) elaboration of standards for international assistance in respect of bank secrecy, facilitating the seizure and confiscation of proceeds in bank accounts derived from criminal acts. In particular, banking organizations should be urged to standardize their reporting requirements and documents so that these can be used more rapidly and effectively as evidence. More effective international standards to inhibit the laundering of money and investment connected with criminal activities, such as narcotics trafficking and terrorism, should also be developed.

19. Member States, intergovernmental and non-governmental organizations and international, national and private funding agencies should assist the United Nations in the establishment and operation of a global crime prevention and criminal justice information network. Member States are urged to contribute to this endeavour by financing equipment and expertise. Consideration should also be given to what categories of criminal justice data can be provided and exchanged on a regular basis.

20. In accordance with the numerous decisions and resolutions of relevant organs of the United Nations, including the five-yearly United Nations congresses on the prevention of crime and the treatment of offenders, measures should be taken to strengthen programmes of international technical and scientific co-operation in the field of crime prevention and criminal justice on a bilateral and multilateral basis, as substantive components of broader development programmes, taking into account the special needs of developing countries and, in particular, the worsening socio-economic situation in many of them, which contributes to the increase of structural inequality and criminality.

21. In order to formulate and develop proper regional and interregional strategies of international, technical and scientific co-operation in combating crime and improving the effectiveness of preventive and criminal justice activities, the programmes of technical and scientific co-operation should be directed especially towards: (a) reinforcement of the technical capacities of the criminal justice agencies; (b) an upgrading of the human and technical resources in all sectors of the criminal justice system in order to stimulate technical assistance, model and demonstration projects, research activities and training programmes, in close co-operation with the United Nations regional and interregional institutes for the prevention of crime and the treatment of offenders and competent non-governmental organizations; (c) the further development and improvement, at the national, regional, interregional and international levels, of information bases for the collection, analysis and dissemination of data on crime trends, innovative ways and methods of crime prevention and control, the operation of criminal justice agencies, in order to provide an appropriate basis for

a/ General Assembly resolution 40/34, annex.

policy-formulation and programme implementation; (d) the promotion, through educational programmes and training activities, of the implementation of United Nations norms, guidelines and standards in crime prevention and criminal justice; and (e) the elaboration and implementation of joint strategies and collaborative arrangements to deal with crime problems of mutual concern.

22. The Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, as the focal point of United Nations activities in this field, the United Nations regional and interregional institutes for the prevention of crime and the treatment of offenders, the co-operating entities like the Arab Security Studies and Training Center, the interregional advisory services in crime prevention and criminal justice, and other relevant United Nations bodies, as well as intergovernmental and non-governmental organizations enjoying consultative status with the Economic and Social Council, should be strengthened so as to increase the scope of their operations, improve their co-ordination and diversify forms and methods of technical and scientific co-operation.

23. The role of the Committee on Crime Prevention and Control as the principal body dealing with crime prevention and criminal justice matters entrusted, *inter alia*, with the preparations for the United Nations congresses on the prevention of crime and the treatment of offenders, should be further enhanced so as to enable it to fulfil its important functions.

24. The capacity of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, as the only professional and specialized entity within the United Nations system with overall responsibility for its crime prevention and criminal justice programme, should be strengthened in terms of both human and financial resources. Prompt implementation of the General Assembly and Economic and Social Council resolutions related thereto is urgently needed. In particular, priority attention should be given to the implementation of paragraphs 4 and 5 of General Assembly resolution 42/59, in which the Assembly approved the recommendations on the review of the functioning and programme of work of the United Nations in the field of crime prevention and criminal justice (E/1987/43) contained in Economic and Social Council resolutions 1986/11 and 1987/53 and requested the Secretary-General, *inter alia*, to take measures to ensure that the programme of work is supported by adequate resources; and paragraph 3 (a) of Economic and Social Council resolution 1987/53, in which the Council requested the Secretary-General to develop the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs as a specialized body and facilitating agent in the field of crime prevention and criminal justice. Attention should also be given to other relevant resolutions of the General Assembly and the Economic and Social Council, as well as to the recommendations of the regional preparatory meetings for the Eighth Congress and of the Committee on Crime Prevention and Control.

25. The United Nations regional and interregional institutes for crime prevention and the treatment of offenders should further develop their research, training and technical assistance capacities, and widen their collaborative networks through more extensive reliance on non-governmental organizations and national research and educational institutions, in order to meet the growing requests from developing countries for technical and scientific assistance. The Governments concerned, relevant regional bodies and organizations and United Nations entities should actively assist the

United Nations regional and interregional institutes for the prevention of crime and the treatment of offenders, and particularly the United Nations African Regional Institute for the Prevention of Crime and the Treatment of Offenders, in consolidating its status and further promoting its activities.

26. Governments should be invited to fund regional advisory services in their regions, directly or through the United Nations Development Programme (UNDP), so as to develop further and complement existing structures and possibilities in this field. The regional commissions should be encouraged to do likewise and should be supported in their efforts to that end.

27. Special attention should be paid to strengthening the collaborative ties in the field of crime prevention and criminal justice between the Centre for Social Development and Humanitarian Affairs, and the Department of Technical Co-operation for Development of the United Nations Secretariat, UNDP, the World Bank and other relevant entities, with a view to ensuring adequate resources for technical co-operation activities in crime prevention and criminal justice. Interested Governments should give priority to the inclusion of crime prevention and criminal justice projects in the country and regional programmes proposed for UNDP support.

28. In order to fully implement the mandates emerging from the crime prevention and criminal justice programme and to provide additional technical and scientific expertise and resources for matters of international co-operation in this field, broader involvement of, and assistance by, non-governmental organizations are required.

29. Governments and other funding agencies should contribute to the United Nations Trust Fund for Social Defence in order to enable the United Nations to implement, in an adequate and effective manner, programmes of technical and scientific co-operation in this field.

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COMMITTEE ON CRIME PREVENTION AND CONTROL
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IMPLEMENTATION OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE
SEVENTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME
AND THE TREATMENT OF OFFENDERS

Programme budget implications of the draft resolution
contained in E/AC.57/1990/L.7/Rev.1

Statement submitted by the Secretary-General in accordance with rule 31
of the rules of procedure of the Economic and Social Council

1. In operative paragraph 7 of draft resolution E/AC.57/1990/L.7/Rev.1, the Economic and Social Council would authorize the Committee on Crime Prevention and Control to continue its practice of convening a pre-sessional working group of two days before each session.

2. The Committee would convene its next pre-sessional working group of two days immediately before the twelfth session of the Committee, which is scheduled for 1992 in Vienna. The working group would be entitled to interpretation in the six official languages of the United Nations. The actual interpretation requirements would depend on the composition of the five-person working group. No pre-session or in-session documentation would be necessary but the costing for one post-session document of approximately 25 pages would be required. In addition, the pre-sessional working group would necessitate an additional payment of daily subsistence allowance to each of the five members of the Committee's working group for a total of four days.

3. The full cost estimate for the additional two-day meeting is as follows:

	1992 <u>Vienna</u> (\$US)
Additional subsistence allowance for five members of the working group	4,200
Meeting servicing (four meetings: A,C,E,F,R,S)	27,100
Post-session documentation (25 pages: A,C,E,F,R,S)	<u>33,200</u>
	64,500

4. Should the draft resolution be adopted, provision would be made in the proposed programme budget for 1992-1993 for the additional subsistence allowance and conference servicing costs in order for the pre-sessional working group to meet.